

REMARKS

The official action mailed on October 3, 2007 non-finally rejected claims 20-42. Claims 38-39 were also objected to because of spelling errors.

The rejections rejected claims 30-41 under 35 U.S.C. § 101 as not being drawn to patentable subject matter, claims 20-29 and 42 under 35 U.S.C. § 112 as being indefinite, and claims 20-42 under 35 U.S.C. § 103(a) as being obvious over the prior art.

Reconsideration and further examination of the subject patent application in light of the present amendments to the claims and these remarks is respectfully requested.

Support for amended claim 20 can be found in at least the last paragraph of page 6, the last paragraph of page 7 and the first and third paragraphs of page 8. Support for new claim 43 can be found in at least the third paragraph of page 16, and support for new claim 44 can be found in at least the last paragraph of page 15.

I. THE SPELLING MISTAKES HAVE BEEN CORRECTED

Claims 38 and 39 are objected to as having the term “compring” instead of – comprising--. Appropriate correction was requested, and has been made.

II. THE REJECTIONS UNDER 35 U.S.C. § 101 HAVE BEEN ADDRESSED

Claims 30 and 36 have been amended to recite a program contained in a memory. Accordingly, as suggested by the Examiner, the claims have been amended to “be encoded or embodied in a computer readable medium.” October 3, 2007 Official Action, at 2.

III. THE REJECTIONS UNDER 35 U.S.C. § 112 HAVE BEEN ADDRESSED

Claim 20 was objected to as lacking antecedent basis for “the sending.” The claim has been clarified to remove the unnecessary article.

Claim 21 was objected to as lacking antecedent basis for “the first command.” The rejected language has been clarified by using “a command.” Similar corrections have also been made in claims 31 and 37.

Claim 22 was objected to as lacking antecedent basis for “the generation” and “the transmission.” The claims have been clarified to use the terms “generating” and “transmitting.”

Claim 42 was objected to as being indefinite because the memory was not connected to a control unit. The memory is not “operatively connected” to the logical unit. The amendment is supported at least by the matter in the middle of page 7 of the specification.

IV. THE CLAIMS, AS AMENDED, ARE NOT OBVIOUS

A. LIOTINE ET AL. DO NOT TEACH A COMMON KEY TO A PLURALITY OF OBJECTS

The October 3, 2007 official action rejected claims 20-24, 26-27, 30-34, 36-40 and 43 as being unpatentable over Liotine et al. (US 4,529,980) in view of Heitschel et al. (US 5,576,701). According to the rejection, Liotine et al. discloses a method for reprogramming bidirectional objects, said objects containing a common key, at least two objects being paired. Further according to the rejection, Liotine et al. discloses the step of providing the objects with a new common key. This interpretation of the reference is respectfully traversed.

The identification code of Liotine et al. is generated using the previous identification code as a start and performing a random number generation algorithm. (Col 1, lines 39-43 and Col 3, lines 47-54) This randomly generated new identification code is stored in memory of the receiver and transferred to transmitter 9. The random generation of the identification code excludes any *common key* to a plurality of objects.

B. HEITSCHHEL ET AL. DO NOT TEACH A COMMON KEY TO A PLURALITY OF OBJECTS

The rejection admits that Liotine et al. fails to explicitly disclose *when a command is sent from one object to another object with which it is paired, verifying that the two objects contain the new common key, and refusing by the other object to execute the command if the two objects do not contain the new common key*. The rejection does not rely on an implicit teaching from Liotine, but rather, relies upon a second reference.

According to the rejection, Heitschel et al. teach a method of operating a door actuating system using a remote transmitter (24). The remote transmitter (24) transmits a door actuation signal comprising a sequence of coded words, which must match a sequence of allowable coded words stored in a controlled unit (38) of the actuating system.

Further according to the rejection, it would have been obvious to modify the method of Liotine et al. to include verification that the two objects contain the new common key. This interpretation of the contribution of Heitschel et al is respectfully traversed.

It is true that Heitschel et al. teach that the signal from remote transmitters 24-26 each comprise a sequence of coded words which must match a sequence of allowable coded words stored in controlled unit (col 3, lines 45-50). However, there is no *common key* in Heitschel because there is one sequence of coded words for each transmitter and there is a plurality of allowable coded words in the memory of the controller. Therefore, Heitschel teaches a controlled unit paired with a plurality of remote transmitters but fails to disclose any *common key*.

Heitschel et al. teaches that the permitted codes stored in memory of controller 78 are recorded during a receiver programming mode which is initiated by the press of a program switch push-button 84. (col 8, lines 9-16) In the programming mode, the transmitter or transmitters to be used with the subject receiver can be individually enabled to transmit their respective security codes to the control unit which receives those security codes and stores them as permitted codes in memory. (col 8, lines 33-39) The permitted codes are thus different for each transmitter and there can be no *common key* to the objects.

C. BOTH LIOTINE ET AL AND HEITSCHTEL ET AL FAIL TO TEACH AN EXCLUDED OBJECT

The claims have been amended to provide for the exclusion of present objects. The art of record does not teach this limitation. Both Liotine et al. and Heitschel et al. fail to disclose a method providing for *an object to be excluded from a group of paired objects, wherein the method comprises providing a new common key to all the objects which are not to be excluded*. Therefore, both Liotine et al. and Heitschel et al are silent regarding the problem of loss or stealing of a transmitter and the need to exclude an object from a group of paired objects without the need to implement a full re-pairing procedure to reestablish all the pairings between valid controls and actuators.

V. CONCLUSION

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and respectfully requests allowance of the application, including

the newly added claims. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution hereof, the Examiner is respectfully requested to call the undersigned at the below-listed number.

This paper is being submitted with a one-month extension of time. The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, such as a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

WELSH & KATZ, LTD.

/Erik B. Flom/
Erik B. Flom
Reg. No. 41,021

Dated: January 3, 2008
WELSH & KATZ, LTD.
Customer No. 24628